

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

TIMOTHY GIBSON,

Plaintiff,

v.

DENISE BONNETT,

Defendant.

OPINION AND ORDER

17-cv-711-wmc

Pro se plaintiff Timothy Gibson is proceeding in this lawsuit on constitutional claims against defendant Denise Bonnett, for her handling of his prescription medication when he was incarcerated at Fox Lake Correctional Institution (“FLCI”) in 2017. Pursuant to 28 U.S.C. § 1406(a) and Federal Rule of Civil Procedure 12(b)(3), defendant filed a motion to dismiss for improper venue or, in the alternative, to transfer venue to the Eastern District of Wisconsin. (Dkt. #28.) Gibson does not oppose the motion. Since venue in this district court is improper, the court will grant defendant’s motion and transfer this case to the Eastern District of Wisconsin.

OPINION

Venue is proper where defendants to a lawsuit reside or where the events giving rise to the claim took place. 28 U.S.C. § 1391(b). “The district court of a district in which is filed a case laying venue in the wrong division or district shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought.” 28 U.S.C. § 1406(a).

Defendant does not reside in the Western District of Wisconsin, nor did she reside

in this district at the time plaintiff filed his complaint. (Salinas Decl. (dkt. #29) ¶¶ 4-5.) Rather, she resides in Fond du Lac, Wisconsin, which is located in the Eastern District of Wisconsin. Moreover, the events giving rise to Gibson's claim in this lawsuit occurred at FLCI, which is located in Fox Lake, Wisconsin. Fox Lake, Wisconsin is located in Dodge County, and that county is in the Eastern District of Wisconsin. 28 U.S.C. § 130(a).

Finding venue improper in the Western District of Wisconsin, the court further concludes that transfer, rather than dismissal, serves the interest of justice. Therefore, the court will grant defendant's motion and transfer this case to the Eastern District of Wisconsin.

ORDER

IT IS ORDERED that:

1. Defendant's motion to dismiss or transfer venue (dkt. #28) is GRANTED.
2. This case is TRANSFERRED to the Eastern District of Wisconsin.

Entered this 24th day of August, 2020.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge